

19512. Misbranding of Nitro-Methol aseptic. U. S. v. Thirty-one 4-Ounce Bottles, et al., of Nitro-Methol Aseptic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27230. I. S. Nos. 37008, 37009. S. No. 5398.)

Examination of a drug product, known as Nitro-Methol aseptic, from the shipment herein described disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it on the carton and bottle labels. The label of the article failed to bear a statement of the quantity or proportion of ethyl nitrite, an alcohol derivative, contained in the article. The label also failed to bear a statement of the quantity of alcohol contained in the article, since the carton bore no statement, and the declaration on the bottle label was extremely inconspicuous.

On December 11, 1931, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of thirty-one 4-ounce bottles and nineteen 8-ounce bottles of Nitro-Methol aseptic at Dallas, Tex., alleging that the article had been shipped by the Denver Mud Chemical Co., from Kansas City, Mo., on or about September 21, 1931, and had been transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ethyl nitrite (1 gram per 100 milliliters), alcohol (by volume 58 per cent), and small proportions of aldehydes and volatile oils including menthol and thymol.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and carton were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed: (Bottle) "Used for Skin Trouble, Barber's Itch, * * * Eczema, Pyorrhoea, Looseness of Teeth * * * Tetter, * * * Pimples, * * * Sore Gums, * * * especially successful in the treatment of Leucorrhoea and all mucus discharges * * * for Skin Diseases For the Treatment of Eczema and the skin;" (carton) "For the Treatment of Eczema and the Skin * * * For the treatment of all skin eruptions from any cause. Eczema, Barber's Itch * * * Tetter, * * * Pimples, * * * Erysipelas, Pyorrhoea, Looseness of the Teeth, Sore Gums, * * * For Female Trouble * * * For Pyorrhoea, Sore Gums and Looseness of the Teeth, apply with the fingers on the gums and sprinkle a small amount on the tooth brush once or twice a day." Misbranding was alleged for the further reason that the article contained alcohol and ethyl nitrite, a derivative of alcohol, and the label failed to bear a statement of the proportion of alcohol or the proportion of ethyl nitrite contained in the article.

On June 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19513. Misbranding of Breeden's rheumatic compound. U. S. v. 72 Bottles of Breeden's Rheumatic Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27100. I. S. No. 36801. S. No. 5277.)

Examination of a drug product, known as Beeden's rheumatic compound, involved in this action disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the bottle and carton labels and in a circular shipped with the article.

On or about December 11, 1931, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 72 bottles of the said Breeden's rheumatic compound at Dallas, Tex., alleging that the article had been shipped by the Parker-Blake Co., from New Orleans, La., on or about March 16, 1931, and had been transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide (1.3 grams per 100 milliliters), extracts of plant drugs, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and carton and in the circular

were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed: (Bottle) "Rheumatic Compound * * * Rheumatism * * * Direction: * * * until it acts freely on the Liver, then reduce dose to suit the system if according to directions it acts too freely;" (carton) "Rheumatic Compound for Rheumatism;" (circular) "Rheumatic Compound. We recommend it for Rheumatism. If you have Rheumatism use * * * Rheumatic Compound. This medicine has been tested for years, and the praise which it has received from the trade, and the good results of its use by sufferers from the disease of Rheumatism cause us, the manufacturers, to unhesitatingly recommend it. We believe we have made it as perfect a preparation for the relief of Rheumatism as it is possible for us to do."

On June 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19514. Adulteration and misbranding of granulated malva leaves. U. S. v. Approximately One-Half Barrel of Granulated Malva Leaves. Default decree of destruction entered. (F. & D. No. 27942. I. S. No. 53535. S. No. 5990.)

Analysis of a sample of a product, represented to be granulated malva leaves, from the shipment herein described showed that the product did not consist solely of malva leaves, since it contained 0.078 per cent of alkaloid including atropine, indicating that it consisted in part of a mydriatic drug such as belladonna.

On or about March 23, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of approximately one-half barrel of granulated malva leaves at Columbus, Ohio, alleging that the article had been shipped by S. B. Penick & Co., Weehawken, N. J., on or about May 19, 1931, and had been transported from the State of New Jersey into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, viz, "Malva Leaves," since it did not consist solely of malva leaves, but contained a mydriatic drug.

Misbranding was alleged for the reason that the statement "Malva Leaves," appearing in the labeling, was false and misleading when applied to an article that did not consist solely of malva leaves.

On May 10, 1932, no claimant having appeared for the property, judgment was entered finding that the product was adulterated and misbranded and liable to condemnation, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19515. Misbranding of Brooten's Kelpor. U. S. v. Pleas A. Tucker. Plea of guilty. Fine, \$25. (F. & D. No. 27508. I. S. Nos. 22269, 22270.)

This action involved two interstate shipments of a drug product, known as Brooten's Kelpor, the labeling of which bore statements representing that it possessed curative and therapeutic properties which examination showed it did not possess. The article was represented to be a natural food, whereas it had no food value.

On March 17, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Pleas A. Tucker, Portland, Oreg., alleging shipment by said defendant in violation of the food and drugs act, as amended, on or about September 6, 1930, and March 14, 1931, from the State of Oregon into the State of Washington, of quantities of the said Brooten's Kelpor which was misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral matter, chiefly aluminum silicate and iron oxide, with small proportions of other iron and magnesium compounds including sulphates and phosphates, and traces of calcium compounds and sulphur.